



**Minutes for Meeting of
Thursday, October 28, 2004**

Item-1: Call to Order

Chairwoman Dorothy Smith called the meeting to order at 5:00 p.m.

Item-2: Roll Call

Present – Chairwoman Dorothy L .W. Smith, Vice Chairwoman Dorothy Leonard, Commissioners Charles H. Dick, Jr., and Larry S. Westfall.

Staff – Executive Director Stacey Fulhorst, Deputy City Attorney Dave James, Legal Assistant Steve Ross, Senior Investigator Lauri Davis, and Executive Secretary Janet MacFarlane.

Excused – Commissioners April Riel, Karen Thomas-Stefano , Greg Vega

Item-3: Reporting Results of October 14, 2004, Closed Session Meeting

Chairwoman Smith reported the results of the Closed Session meeting of October 14, 2004.

Item 1: Conference with Legal Counsel – In the Matter of Gregory Deithrich
– Case No. 2004-24

Rescheduled the Probable Cause Hearing in regard to the alleged failure of Gregory Diethrich to timely file a Statement of Economic Interest. Hearing rescheduled to Thursday, December 2, 2004, at 1:30 p.m.

Item 2: Conference with Legal Counsel (2 Potential Matters)

Case No. 2004-50 – In re: Alleged Disclosure of Confidential Information

Motion: Initiate Investigation
Moved/Seconded/Approved

Case No. 2004-53 – Alleged Illegal Campaign Contribution

Motion: Recuse Commissioner Dick
Moved/Seconded/Approved

Motion: Initiate Investigation
Moved/Seconded/Approved

Item 3 : Conference with Legal Counsel (2 Potential Matters)

Case No. 2004-43 – Alleged Failure to Properly File Campaign Disclosure Statement

Motion: Approve Stipulation
Moved/Seconded/Approved

Case No. 2004-49 – Alleged Failure to Properly File Campaign Disclosure Statement

No reportable action.

Item-4: Approval of Commission Minutes

APPROVAL OF COMMISSION MINUTES OF OCTOBER 14, 2004.

Motion: Approve
Moved/Seconded: Dick/Leonard
Vote: Unanimous
Excused: Riel, Thomas-Stefano, Vega

Mel Shapiro questioned the portion of the minutes that addresses closed session reporting. In particular, Mr. Shapiro stated that he believes the Brown Act requires the reporting of individual votes by Commissioners.

Item-5: Non-Agenda Public Comment

None.

Item-6: Commissioner Comment

None.

Item-7: Executive Director Comment

Executive Director Fulhorst reported the following:

1. Appointment of Rick Duvernay as City Attorney for the City of Redding, California.
2. Advertisements have been placed in a number of publications for the position of Ethics Commission General Counsel. Applications are due by November 5, 2004.
3. Council consideration of a proposed change to the effective date of the ECCO amendments from January 1, 2005, to January 5, 2005, as well as the establishment and exemption of the Ethics Commission General Counsel position, has been scheduled for November 8, 2004. The second reading will be on November 22, 2004, and the actions will be effective 30 days thereafter.
4. Sheik Khalid bin Jabor al-Thani will visit the Ethics Commission offices on Friday, October 29, 2004. Sheik Al-Thani is visiting the United States to observe our elections.

Item-8: Deputy City Attorney Comment

None.

Item-9: Recent Amendments to the Election Campaign Control Ordinance

Director Fulhorst explained that during the Council hearings on the proposed amendments to ECCO, Council directed staff to return with possible additional amendments to ECCO with respect to the use of surplus campaign funds and the transfer of contributions.

City Attorney Dave James provided a legal analysis which indicates that the law does not allow local governments to prohibit the transfer of contributions.

By consensus, the Commission directed staff to provide the City Attorney's legal analysis to the Mayor and Council and ask if the Council would still like the Commission to return with recommendations regarding the additional proposed amendments.

Item-10: Adjournment to Closed Session

Chairwoman Smith adjourned the meeting to Closed Session at approximately 5:30 p.m. She stated if the Commission took any action that must be reported pursuant to the Brown Act, the Commission would reconvene into Open Session to report on that action.

Dorothy L. W. Smith, Chairwoman
Ethics Commission

Janet MacFarlane, Executive Secretary
Ethics Commission

THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.